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1c973 U.S. PTO  
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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4470.P009

(maximum 12 characters)

First Named Inventor Deane Gardner, et al.

Title: INTEGRATING PERSONAL DATA CAPTURING FUNCTIONALITY INTO A PORTABLE COMPUTING DEVICE AND A WIRELESS COMMUNICATION DEVICE

Express Mail Label No. EL672750844US

PTO  
09/757241  
U.S.  
JC825

01/08/01

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.   X   **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.   X   **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.   X   **Specification (Total Pages   36  )**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.   X   **Drawings(s) (35 USC 113) (Total Sheets   7  )**
5.   X   **Oath or Declaration (Total Pages   5  )**
  - a.        Newly Executed (Original or Copy)
  - b.        Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.        DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.   X   Unsigned.
6.        **Application Data Sheet. (37 CFR 1.76)**
7.        **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
8.        **Nucleotide and/or Amino Acid Sequence Submission**  
(if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on:
    - i.        CD-ROM or CD-R (2 copies); or
    - ii.        paper
  - c.        Statement verifying identity of above copies

# ACCOMPANYING APPLICATION PARTS

9.        Assignment Papers (cover sheet & documents(s))
10.        a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- X   b. Power of Attorney
11.        English Translation Document (if applicable)
12.   X   a. Information Disclosure Statement (IDS)/PTO-1449
- X   b. Copies of IDS Citations
13.        Preliminary Amendment
14.   X   Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.        Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.   X   Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.   X   Other: Certificate of Express Mail with copy of postcard showing contents of Express Mail package.

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

       Continuation        Divisional   X   Continuation-in-part (CIP)  
Of Prior Application No.: 09/476,142 Examiner Unassigned Group Art Unit 3736

(which is a        continuation/        divisional/        CIP of prior application no.                     ,  
which is a        continuation/        divisional/        CIP of prior application no.                     ) (List entire chain of priority)

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that SPORTBRAIN, INC. (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. 010496 Frame No. 0600 (or a copy of which is attached).

19. Correspondence Address

  X   Customer Number or Bar Code Label 008791  
or (Insert Customer No. or Attach Bar Code Label here)

  X   Correspondence Address Below

NAME Marina Portnova

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Marina Portnova Registration No.: 45,750

Signature: M. Portnova Date: January 8, 2001

**FEE TRANSMITTAL FOR FY 2001**

<b>TOTAL AMOUNT OF PAYMENT (\$)</b>	<b>\$918.00</b>
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**Complete if Known:**

**Application No.** Unassigned

**Filing Date** Unassigned

**First Named Inventor** Deane Gardner, et al.

Group Art Unit	Unassigned
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Examiner Name Unassigned

Attorney Docket No. 4470.P009

**METHOD OF PAYMENT** (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

**Deposit Account Number** 02-2666

Deposit Account Name

- [ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17**

- [ X ] Applicant claims small entity status. See 37 CFR 1.27**

2.   X   Payment Enclosed:   X   ☒ Check  
☐ Credit Card  
☐ Money Order  
☐ Other

### FEE CALCULATION

**1. BASIC FILING FEE**

<u>Large Entity</u>		<u>Small Entity</u>			
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)	<u>Fee Description</u>	<u>Fee Paid</u>
101	710	201	355	Utility application filing fee	355.00
106	320	206	160	Design application filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional application filing fee	

**SUBTOTAL (1)    \$ 355.00**

## 2. EXTRA CLAIM FEES

<b>2.    <u>EXTRA CLAIM FEES</u></b>			<b>Fee from</b>	
		<b><u>Extra Claims</u></b>	<b><u>below</u></b>	<b><u>Fee Paid</u></b>
<b>Total Claims</b>	<u>47</u>	<b>- 20** =</b> <u>27</u>	<b>X</b> <u>9</u>	<b>=</b> <u>243.00</u>
<b>Independent Claims</b>	<u>11</u>	<b>- 3** =</b> <u>8</u>	<b>X</b> <u>40</u>	<b>=</b> <u>320.00</u>
<b>Multiple Dependent</b>				<b>=</b>

**\*\*Or number previously paid, if greater; For Reissues, see below.**

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) \$ 563.00**

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	_____
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for ex parte reexamination	_____
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	_____
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for reply within first month	_____
116	390	216	195	Extension for reply within second month	_____
117	890	217	445	Extension for reply within third month	_____
118	1,390	218	695	Extension for reply within fourth month	_____
128	1,890	228	945	Extension for reply within fifth month	_____
119	310	219	155	Notice of Appeal	_____
120	310	220	155	Filing a brief in support of an appeal	_____
121	270	221	135	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive - unavoidable	_____
141	1,240	241	620	Petition to revive - unintentional	_____
142	1,240	242	620	Utility issue fee (or reissue)	_____
143	440	243	220	Design issue fee	_____
144	600	244	300	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	130	123	130	Petitions related to provisional applications	_____
126	180	126	180	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	710	246	355	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
149	710	249	355	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
179	710	279	355	Request for Continued Examination (RCE)	_____
169	900	169	900	Request for expedited examination of a design application	_____
Other fee (specify) _____					_____
Other fee (specify) _____					_____

**SUBTOTAL (3) \$ 00.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Marina PortnovaSignature: M. Portnova Date: January 8, 2001Reg. Number: 45,750 Telephone Number: (408) 720-8300**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**First Named Inventor Deane Garnder, et al.Title INTEGRATING PERSONAL DATA CAPTURING FUNCTIONALITY INTO A PORTABLE COMPUTING  
DEVICE AND A WIRELESS COMMUNICATIONAttorney Docket No. 4470.P009

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 8, 2001

Date

M. Portnova

Signature

Marina Portnova

Typed or Printed Name

45,750

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application.

**Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231